

June 14, 2011

Mr. Philip Allen (6SF-AP)  
Remedial Project Manager  
U.S. Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, TX 75202-2773

Dear Phil:

Attached please find a summary Progress Report for May 2011. This report was prepared on behalf of the Patrick Bayou Joint Defense Group, the Respondents to the Administrative Settlement Agreement and Order on Consent for the Patrick Bayou Superfund Site in Deer Park, TX. Should you have any questions, please call me at 919-539-1928 or e-mail me at [bobp@projectnavigator.com](mailto:bobp@projectnavigator.com).

Sincerely,

*s/R Piniewski*

Robert Piniewski  
Project Coordinator

Attachment

cc: Maureen Hatfield – TCEQ  
Danielle Sattman Soule - TCEQ  
Joe Bell - TCEQ  
Jessica White – NOAA  
Barry Forsythe – US Fish and Wildlife Service  
Patrick Bayou Joint Defense Group

**Monthly Progress Report for May 2011**  
**Submitted June 14, 2011**  
**Patrick Bayou Superfund Site**  
**Deer Park, Texas**

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The Administrative Settlement Agreement and Order on Consent (AOC) for the Remedial Investigation/Feasibility Study (RI/FS) at the Patrick Bayou Superfund Site (Site) in Deer Park, Texas was entered on January 31, 2006. The Respondents include The Lubrizol Corporation, Occidental Chemical Corporation and Shell Oil Company, on behalf of Deer Park Refining Limited Partnership and Shell Chemical LP. The Respondents have formed the Patrick Bayou Joint Defense Group (JDG) to perform the work.

**A. Summary of Work Performed – May 2011**

The JDG, Project Navigator, and AnchorQEA (Anchor), completed work on the following tasks:

- Submitted responses to Agency comments on the Baseline Ecological Risk Assessment (BERA) Work Plan and the Final BERA Work Plan
- Finalizing the JDG Response to Agency Comments on the Upstream Characterization Sampling and Analysis Plan (SAP)
- Finalizing responses to Agency comments on the Sediment Transport Model
- Finalizing responses to Agency comments on the Human Health Risk Assessment (HHRA) Work Plan

**B. Summary of Agency Communication**

The written communication between the JDG and EPA subsequent to the filing of the AOC is summarized in the attached Table 1.

**C. Summary of Sampling Results**

None this reporting period.

**D. Problems, Delays and Solutions**

None this reporting period.

#### **E. Projected Work for Next 2 Reporting Periods – June and July 2011**

The JDG, PNL and AnchorQEA expect to complete the following tasks in June and July 2011:

- Field sampling efforts in support of the BERA Work Plan beginning in mid-June 2011
- Submit response to Agency comments and the Final Upstream Source Characterization SAP followed by mobilization upon Agency approval of the SAP
- Submit responses to EPA and TCEQ comments on the draft Human Health Risk Assessment Work Plan
- Submit responses to Agency comments on the Sediment Transport Modeling Report.

#### **F. Schedule**

The overall RI/FS project schedule in Gantt chart format was updated in the Final General RI/FS Work Plan. That schedule will serve as the baseline schedule for the RI/FS. The schedule has been updated and is attached.

Prepared by:  
Robert Piniewski  
Project Coordinator

**Table 1**  
**Agency Communication Summary**  
**Patrick Bayou Superfund Site**

<b>JDG Submittal Date</b>	<b>JDG Communication Summary</b>	<b>Response From EPA Date</b>	<b>EPA Communication Summary</b>	<b>Notes</b>
2/24/06	AOC Required Notifications	None	N/A	ID Project Coordinator and RI/FS Contractor, Certificates of Insurance and Anchor Quality Management Plan
2/28/06	Payment of Past Costs	6/12/06	Notice of end of public comment period on cost recovery actions	
3/1/06	Financial Assurance	None		
4/28/06	Draft Preliminary Site Characterization Report (PSCR)	6/15/06	Agency comments received on Draft PSCR	
6/7/06	Approach to RI/FS Work	6/7/06	EPA approved Adaptive Management Strategy for RI/FS	RI/FS will utilize Adaptive Management and a phased approach
6/27/06	Draft Work Package I Work Plan	7/7/06	EPA approved Work Package I Work Plan	
8/2/06	Response to Comments on PSCR	9/22/06	EPA approved PSCR	
8/17/06	Draft General RI Work Plan	9/21/06	Agency comments on Draft General RI Work Plan	
8/17/06	Draft Work Package 2 Work Plan	9/21/06	Agency comments on Draft General RI Work Plan	
9/27/06	Response to Agency Comments on Work Package 2 Work Plan	9/27/06	EPA approval of Work Package 2 Work Plan	JDG response to comments focused on field work related comments only
10/26/06	Submittal of Laboratory Qualifications and QA Manual(s)	None		
10/31/06	Deviations from WP2 Work Plan	11/02/06	Verbal approval from EPA on Nov. 2, 2006.	Minor deviations that occurred during the recent implementation of Work Package 2
12/14/06	Deviation from WP1 Work Plan	3/1/07	Verbally approved by EPA at Site Status Meeting	

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<b>JDG Submittal Date</b>	<b>JDG Communication Summary</b>	<b>Response From EPA Date</b>	<b>EPA Communication Summary</b>	<b>Notes</b>
1/9/07	Response to Agency Comments on General RI Work Plan and Work Package 2 Work Plan	None Required	Summarized previous agreements with EPA on Work Plans which had already been approved by EPA	
1/9/07	Final General RI Work Plan and Work Package 2 Work Plan	02/28/07	EPA comments received February 28, 2007	
2/16/07	Draft WP 1 technical memorandums	3/20 – 3/23/07	EPA comments received March 20-23, 2007	
4/5/07	Submit Work Package 2 Data Report	None		
4/25/07	Response to second set of regulatory comments on General RI Work Plan and Work Package 2 Work Plan	None Required	Summarized previous agreements with EPA on Work Plans which had already been approved by EPA	
5/11/07	Submit Draft Supplemental RI Work Plan	7/8/07	EPA comments received July, 8, 2007	
6/13/07	Submit Response to Comments on Draft WP 1 technical memorandums	None Required	Additional EPA comments post-response	
6/13/07	Submit Response to Comments on Supplemental RI Work Plan	6/15/07	EPA approval for Supplemental RI Work Plan received July 15, 2007	
4/2/08	Submit draft Selection of Contaminants of Potential Concern for Ecological Risk Assessment	6/3/08	EPA comments received June 3, 2008	
7/11/08	Draft Response to Comments on COPC Report	Various	EPA comments received.	
7/24/08	Technical Memo – Sediment Toxicity and COPC Selection	Various	EPA comments received	
7/29/08	Agreements and Action Items – July 16, 2008 Tech Group Meeting	None Required	Summarized in 3/12/09 Submittal – Summary of Agreements - Patrick Bayou Technical Workgroup	

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<b>JDG Submittal Date</b>	<b>JDG Communication Summary</b>	<b>Response From EPA Date</b>	<b>EPA Communication Summary</b>	<b>Notes</b>
9/23/08	Agreements and Action Items – September 23, 2008 Tech Group Meeting	None Required	Summarized in 3/12/09 Submittal – Summary of Agreements - Patrick Bayou Technical Workgroup	
10/30/08	Draft Mixing Zone Evaluation Work Plan	various	EPA comments received and addressed on 11/18/09	
10/30/08	COPC Selection Amendment Report	04/27/09	Final comments from EPA received April 27, 2009.	
11/11/08	Agreements and Action Items – November 6, 2008 Tech Group Meeting	None Required	Summarized in 3/12/09 Submittal – Summary of Agreements - Patrick Bayou Technical Workgroup	
11/18/08	Response to Comments on Mixing Zone Evaluation Work Plan	11/18/08	Verbal Approval from EPA to proceed on 11/18/09.	
2/18/09	Agreements and Action Items – February 12, 2009 Tech Group Meeting	None Required	Summarized in 3/12/09 Submittal – Summary of Agreements - Patrick Bayou Technical Workgroup	
3/12/09	Summary of Agreements - Patrick Bayou Technical Workgroup	7/19/09	Approved by EPA.	
3/12/09	Final Response to Comments on the Contaminants of Potential Concern (COPC) Report	7/16/09	Approved by EPA.	
4/14/09	April 8, 2009 Conference Call Notes – Acute/Chronic Ratios – Sediment Toxicity Testing	None Required	Technical discussion only, no further action.	
5/29/09	Adaptive Management Strategy and Patrick Bayou RI/FS Phases	7/16/09	Approved by EPA.	
6/4/09	Draft Sediment Transport Model Report	Pending	Comments received on 8/3/09.	

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6/15/09	Draft Mixing Zone Layer Study	8/7/09	Comments received and addressed in Response to Comments on 8/8/09. Approved by EPA.	
9/24/09	Draft Sediment and Surface Water Sampling Plan	10/23/09	Comments received by 10/12/09. Response to Comments submitted on 10/21/09. Approved by EPA.	
6/10/10	Sediment and Surface Water COPC Delineation Data Report	N.A.	Data report only.	
9/24/10	Draft Baseline Ecological Risk Assessment Work Plan	12/6/10	EPA Comments received November 29, 2010. TCEQ and Trustee comments received December 6, 2010.	
3/16/11	Response to Agency Comments on Draft BERA	4/14/11	Additional comments received by 4/14/11.	
3/23/11	Provide site data as requested by Phil Turner/EPA and Linda Broach TCEQ	N.A.	EPA requested dioxin data from sediment sampling.	
3/28/11	Draft Human Health Risk Assessment Work Plan	5/2/11	Comments received by 5/2/11.	
4/7/2011	Draft Upstream Characterization Work Plan	5/13/11	Comments received from Agency.	
5/27/11	Final Baseline Ecological Risk Assessment Work Plan and Responses to Agency Comments	6/1/11	EPA approval of BERA Work Plan via email	

